

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 17170 of Georgetown Day School, pursuant to 11 DCMR § 3104.1, for a special exception to allow the renovation and construction of an addition to an existing private school under section 206 (this application does not include a request to increase the student enrollment or number of permitted faculty and staff) in the R-2 District at premises 4200 Davenport Street, N.W. (Square 1672, Lot 821).

HEARING DATE: June 22, 2004
DECISION DATE: August 3, 2004

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 3E and the owners of property within 200 feet of the site. The application was referred to the Office of Planning and the Department of Transportation ("DDOT") for review and report.

The site of this application is located within the jurisdiction of ANC 3E. ANC 3E, which is automatically a party to this case, filed a Resolution in support of this application. ANC 3E has informed the Board that the ANC and the applicant have entered into a voluntary agreement regarding certain aspects of the operation of Georgetown Day School High School and the School's relationship with the surrounding neighborhood. The Office of Planning submitted a report recommending approval of the application. DDOT submitted a report supporting the application.

As directed by 11 DCMR §§ 3104.1 and 206, the Board has required that the applicant satisfy the burden of proving the elements necessary to establish a case for a special exception. No person or entity appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

To be entitled to a special exception for a private high school under 11 DCMR §§ 3104.1 and 206, the applicant must demonstrate: (i) it is located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of

students, or otherwise objectionable conditions; (ii) the site provides ample parking space to accommodate the students, teachers, and visitors likely to come to the site by automobile; and (iii) the approval does not tend to affect adversely the use of neighboring properties and such approval is in general harmony with the purpose and intent of the Zoning Regulations and Map. Based on the record before the Board, the Board concludes that the applicant has met the burden of proof for a special exception under 11 DCMR §§ 3104.1 and 206. The School and ANC 3E proffered identical conditions upon which they reached agreement. This application is subject to those conditions as modified and adopted by the Board as follows:

It is therefore **ORDERED** that this application be **GRANTED** subject to the following **CONDITIONS**:

1. Approval shall be limited to the High School, grades 9-12.
2. The number of enrolled students at the High School shall not exceed 465
3. The High School shall have a maximum of 95 full-time equivalent faculty and staff members.
4. The southeast portion of the site located at the northwest corner of the intersection of 42nd and Chesapeake Streets shall be landscaped and maintained as open space. No parking shall be permitted on this portion of the site.
5. At the beginning of each school year, but in no event later than October 15th, the School shall provide to the Board and the Zoning Administrator documentary evidence to demonstrate its enrollment figures and compliance with the terms and conditions of this Order, including the Transportation Management Program referenced in Condition Number 10 of this Order. This information must be served on the ANC, which will have an opportunity to respond to the School's submission.
6. The School shall be available, at the request of Advisory Neighborhood Commission 3E, during the fall and spring of each year to discuss any issues of concern to the community. The School shall attend any additional meetings deemed necessary by the School and/or the ANC to address issues and concerns raised by the community.
7. All vehicular traffic to and from the site shall use the Davenport Street entrance. Pedestrian access only will be permitted at the 42nd Street entrance, which shall be monitored from 7:45 to 8:15 a.m.
8. All pick-up or drop-off of students shall occur on the School grounds.

9. The site shall continue to provide one emergency access point on 43rd Street, which shall be secured by a 6.5-foot gate. The gate shall be locked at all times except for access by emergency vehicles.
10. A Transportation Management Program shall be established, instituted and monitored by the School. The Transportation Management Program shall include the following elements:
 - (a) The School shall encourage the use of public transportation as the primary means of accessing the school by the faculty, staff, and students.
 - (b) The School shall make available to all students reduced fare Metro rail passes to encourage use of public transportation.
 - (c) No student shall drive a vehicle to School unless there is an on-site parking space for that vehicle.
 - (d) At the beginning of each school year, all students must register their vehicles with the school.
 - (e) The School shall strictly prohibit students from parking on residential streets surrounding the campus during all hours that the school's on-site parking is available for use.
 - (f) School employees will be trained at the beginning of each year to implement and enforce the Transportation Management Program.
 - (g) School employees shall monitor the streets surrounding the campus for one semester after the opening of the garage to enforce the Transportation Management Program.
 - (h) The Transportation Management Program shall become a part of the enrollment contract between the School and parent, by which the parents shall agree to be bound by its rules, fines and punishments.
11. The surface parking area shall be secured by a chain gate, cable, or similar device during all hours that the lot is not in use. When the parking area is open during non-school hours, the School shall provide security to prevent unauthorized parking.
12. The parking garage shall be available for use at all times that the school is open. The School shall have security personnel on duty at the School and monitoring the garage at all hours that the garage is open. The garage shall be secured during all hours that it is not in use.

13. During special events, which increase the demand for parking beyond the number of spaces available on site, the School shall provide shuttle bus service to minimize potential overflow parking on neighborhood streets by visitors to the School. Adequate notice of such service shall be provided by the School to all invited participants in the special event.
14. All extracurricular or inter-scholastic activities held on site shall be concluded by 11:30 p.m.
15. All interscholastic athletic events utilizing the athletic field shall be scheduled to conclude no later than 7:30 p.m. In situations where an event goes into overtime, is subject to weather delays, or is subject to other conditions that force the event past 7:30 p.m., the event must be concluded no later than 8:00 p.m.
16. There shall be no artificial lighting of the athletic field.
17. The bell system within the School shall not be audible in the neighborhood except for standard emergency alarm systems.
18. Students parking cars on either the surface lot or in the garage are to stay on campus during the hours that classes are in session except for trips off-campus for the following purposes:
 - (a) work or internship related activities;
 - (b) community service events;
 - (c) school or extracurricular-related activities; or
 - (d) approved leave.
19. All existing and new mechanical units, including air conditioning, heating, ventilation, and emergency generators shall be oriented towards the northern side of the mechanical penthouse, away from the adjacent residential neighbors on the southern side of the Georgetown Day School property, as shown in the Plans marked as Exhibit 29 of the record.
20. The School may make its High School facilities and grounds available to organized community groups.
21. During any period of time when the existing campus parking spaces are reduced, the School shall provide the same number of parking spaces elsewhere and shall fully enforce the School's existing parking restrictions.

Pursuant to 11 DCMR §3100.6, the Board has determined to waive the requirement of 11 DCMR §3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 5-0-0 (Geoffrey H. Griffis, Ruthanne G. Miller, Curtis L. Etherly, Jr. and John A. Mann II to approve, Anthony J. Hood to approve by proxy)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member has approved the issuance of this summary order.

ATTESTED BY:


JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER: AUG 06 2004

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

GOVERNMENT OF THE DISTRICT OF COLUMBIA
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BZA APPLICATION NO. 17170

As Director of the Office of Zoning, I hereby certify and attest that on AUG 06 2004 a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

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rsn

ATTESTED BY:


JERRILY R. KRESS, FAIA ✓
Director, Office of Zoning